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| 09/992,596 | 11/14/2001 | Mario P. Manfre | FDC 0164 PUS | 9962 |

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| EXAMINER |
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CHANDLER, SARA M

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10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/992,596 | Applicant(s) MANFRE ET AL. | |
| | Examiner SARA CHANDLER | Art Unit 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/992,596 (11/14/01) filed on 07/25/08.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result, but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art.

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In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

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inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14,15,16,20 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re Claim 14: The claim preamble suggests that the claimed invention is directed to a system however, the body of the claim fails to recite the structural components required of a system. See discussion supra under claim interpretation. The claim uses language such as “instructions for” which would suggest the claim is directed to software. Software per se is not one of the statutory categories and is not patent eligible subject matter.

Dependent claims are rejected under the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4, 14, 18-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Templeton, US Pat. No. 5,679,938.

Re Claims 1-4, 18-19: Templeton discloses a method for processing a check transaction, the method comprising:

receiving transaction information that is transmitted by a terminal (Templeton, col. 1, lines 16-55; col. 4, line 65+ - col. 5, line 17; col. 5, lines 43+ - col. 6, line 3; col. 7, line 17+ - col. 7, line 41; col. 10, line 32+ - col. 11, line 8; col. 11, line 55+ - col. 12, line 6; col. 19, lines 50 – 60; col. 23, line 27 – 42; col. 24, lines 28 -32; col. 27, lines 32 -37; col. 34, lines 9 – 15);

determining eligibility of the transaction for payment via a bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37);

providing an electronic authorization response that is transmitted to the terminal, the authorization response including a first unique transaction identifier if the transaction is eligible for payment via the bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37); and

receiving an electronic response packet that is transmitted by the terminal if the

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transaction is eligible for payment via the bank account, the response packet including the a second unique transaction identifier comprising at least the first unique transaction identifier, and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Interpretation (a) Templeton, abstract, col. 3, lines 59+ - col. 4, line 2; col. 6, lines 4-18; col. 8, lines 31-35; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35-42; col. 19, lines 15 – 34; col. 21, lines 42 – 64; col. 22, lines 30 – 62; col. 32, lines 35 – 44; Interpretation (b) Templeton, col. 14, lines 47 – 63; col. 24, lines 61+ - col. 25, line 11; col. 28, lines 38 – 55).

Re Claims 14 and 20-21: Templeton discloses a computer system for processing a check transaction initiated by a terminal, the computer system comprising a computer-readable medium comprising computer-readable instructions operable for:

determining eligibility of the transaction for payment via a bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 -55; col. 34, lines 15 – 37);

generating an electronic authorization response that is communicated to the terminal, the authorization response including a first unique transaction identifier if the transaction is eligible for payment via the bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 –

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63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 -55; col. 34, lines 15 – 37); and

receiving an electronic response packet provided by the terminal if the transaction is eligible for payment via the bank account, the response packet including a second unique transaction identifier comprising at least the first unique transaction identifier, and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Interpretation (a) Templeton, abstract, col. 3, lines 59+ - col. 4, line 2; col. 6, lines 4-18; col. 8, lines 31-35; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35-42; col. 19, lines 15 – 34; col. 21, lines 42 – 64; col. 22, lines 30 – 62; col. 32, lines 35 – 44; Interpretation (b) Templeton, col. 14, lines 47 – 63; col. 24, lines 61+ - col. 25, line 11; col. 28, lines 38 – 55).

Re Claim 23: Templeton discloses a method for processing a check transaction, the method comprising:

receiving transaction information that is transmitted by a terminal (Templeton, col. 1, lines 16-55; col. 4, line 65+ - col. 5, line 17; col. 5, lines 43+ - col. 6, line 3; col. 7, line 17+ - col. 7, line 41; col. 10, line 32+ - col. 11, line 8; col. 11, line 55+ - col. 12, line 6; col. 19, lines 50 – 60; col. 23, line 27 – 42; col. 24, lines 28 -32; col. 27, lines 32 -37; col. 34, lines 9 – 15);

determining eligibility of the transaction for payment via a bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col.

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12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37);

upon determining the transaction is eligible for payment via the bank account, providing an electronic authorization response that is transmitted to the terminal the authorization response including a first unique transaction identifier (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37); and

upon determining the transaction is eligible for payment via the bank account, receiving an electronic response packet that is transmitted by the terminal, the response packet including a second unique transaction identifier comprising at least the first unique transaction identifier, and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Interpretation (a)

Templeton, abstract, col. 3, lines 59+ - col. 4, line 2; col. 6, lines 4-18; col. 8, lines 31-35; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35-42; col. 19, lines 15 – 34; col. 21, lines 42 – 64; col. 22, lines 30 – 62; col. 32, lines 35 – 44; Interpretation (b) Templeton, col. 14, lines 47 – 63; col. 24, lines 61+ - col. 25, line 11; col. 28, lines 38 – 55).

Claims 5-9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton as applied to claims 1 and 14 above, and further in view of Nichols, US Pub. No. 2001/0037299.

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Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Templeton and Nichols are in the same field of applicant's endeavor and relate to the processing of checks and other instruments (e.g., credit cards, bank cards etc.) used to pay for goods and/or services.

Re Claims 5 and 15. Templeton discloses the claimed invention supra and further discloses storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37).

Templeton fails to explicitly disclose storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction.

Nichols discloses storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction (Nichols,

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Fig. 3, [0023] [0033]-[0034] [0055] – [0059] Nichols discloses the use of files and databases used to store information regarding subscribers (i.e., merchants, businesses, individuals etc.), consumers, transactions and their respective status. Nichols contemplated a need for checking potentially inaccurate, incomplete and/or fraudulent information regarding the transaction; Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054] Inherency Settlement is an inherent part of check processing. Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Templeton by adopting the teachings of Nichols to provide storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction.

One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Re Claims 6,16: Templeton discloses the claimed invention supra but fails to explicitly disclose providing an electronic confirmation of receipt of the response packet that is transmitted to the terminal. Nichols discloses providing an electronic confirmation of receipt of the response packet that is transmitted to the terminal (Nichols, [0033] [0035], Nichols discloses that there may be times when communication

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between the terminal and the central computer is necessary subsequent to the authorization response regarding the check being processed. Communication between the authorization host and the central computer occurs over the network.

Communication regarding the approval or denial of the transaction event occurs between the terminal and central computer. Subsequently, the terminal and the central computer undergo a query and response sequence affirming or denying the transaction event). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Templeton by adopting the teachings Nichols to provide providing an electronic confirmation of receipt of the response packet that is transmitted to the terminal. One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

.Re Claims 7-9: Templeton discloses the claimed invention supra but fails to explicitly disclose receiving a settlement request, and settling the transaction in response to the settlement request. Nichols discloses receiving a settlement request, and settling the transaction in response to the settlement request (Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054] Inherency Settlement is an inherent part of check processing.

Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Templeton by adopting the teachings of Nichols to provide receiving a settlement request, and settling the

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transaction in response to the settlement request. One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton, US Pat. No. 5,678,938 in view of Nichols, US Pub. No. 2001/0037299.

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Templeton and Nichols are in the same field of applicant's endeavor and relate to the processing of checks and other instruments (e.g., credit cards, bank cards etc.) used to pay for goods and/or services.

Re Claim 22: Templeton discloses a method for processing a check transaction, the method comprising:

receiving transaction information that is transmitted by a terminal (Templeton, col. 1, lines 16-55; col. 4, line 65+ - col. 5, line 17; col. 5, lines 43+ - col. 6, line 3; col. 7, line 17+ - col. 7, line 41; col. 10, line 32+ - col. 11, line 8; col. 11, line 55+ - col. 12, line 6; col. 19, lines 50 - 60; col. 23, line 27 - 42; col. 24, lines 28 - 32; col. 27, lines 32 - 37; col. 34, lines 9 - 15);

determining eligibility of the transaction for payment via a bank account, wherein determining eligibility is based at least in part on rules provided by either an authorization host or a financial institution (Templeton, abstract, col. 4, line 16+ - col. 5,

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line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37);

providing an electronic authorization response that is transmitted to the terminal, the authorization response including a first unique transaction identifier when the transaction is determined to be eligible for payment via the bank account (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 -55; col. 34, lines 15 – 37);

receiving an electronic response packet that is transmitted by the terminal when the transaction is eligible for payment via the bank account, the response packet including a second unique transaction identifier comprising at least the first unique transaction identifier, and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Interpretation (a) Templeton, abstract, col. 3, lines 59+ - col. 4, line 2; col. 6, lines 4-18; col. 8, lines 31-35; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35-42; col. 19, lines 15 – 34; col. 21, lines 42 – 64; col. 22, lines 30 – 62; col. 32, lines 35 – 44; Interpretation (b) Templeton, col. 14, lines 47 – 63; col. 24, lines 61+ - col. 25, line 11; col. 28, lines 38 – 55).

Templeton fails to explicitly disclose:

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receiving a settlement request; and

settling the transaction in response to the settlement request.

Nichols discloses:

receiving a settlement request (Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054]

Inherency Settlement is an inherent part of check processing. Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.); and settling the transaction in response to the settlement request (Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054] Inherency Settlement is an inherent part of check processing. Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Templeton by adopting the teachings of Templeton by adopting the teachings of Nichols to provide receiving a settlement request; and settling the transaction in response to the settlement request.

One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Re Claim 24: Templeton discloses a method for processing a check transaction, the method comprising:

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receiving transaction information that is transmitted by a terminal (Templeton, col. 1, lines 16-55; col. 4, line 65+ - col. 5, line 17; col. 5, lines 43+ - col. 6, line 3; col. 7, line 17+ - col. 7, line 41; col. 10, line 32+ - col. 11, line 8; col. 11, line 55+ - col. 12, line 6; col. 19, lines 50 – 60; col. 23, line 27 – 42; col. 24, lines 28 -32; col. 27, lines 32 -37; col. 34, lines 9 – 15);

determining eligibility of the transaction for payment via a bank account, wherein determining eligibility is based at least in part on rules provided by either an authorization host or a financial institution (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 - 55; col. 34, lines 15 – 37);

upon determining the transaction is eligible for payment via the bank account, providing an electronic authorization response that is transmitted to the terminal, the authorization response including a first unique transaction identifier (Templeton, abstract, col. 4, line 16+ - col. 5, line 42; col. 7, lines 42- 64; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35 – 42; col. 11, lines 55+ - col. 12, line 6; col. 12, lines 52+ - col. 12, line 65; col. 14, lines 47 – 63; col. 19, lines 60 + - col. 20, line 2; col. 24, line 61+ - col. 25, line 11; col. 28, lines 38 -55; col. 34, lines 15 – 37);

upon determining the transaction is eligible for payment via the bank account, receiving an electronic response packet that is transmitted by the terminal, the response packet including t-he a second unique transaction identifier comprising at least the first unique

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transaction identifier, and a transaction decision regarding whether or not the check transaction is to proceed with payment via the bank account (Interpretation (a)

Templeton, abstract, col. 3, lines 59+ - col. 4, line 2; col. 6, lines 4-18; col. 8, lines 31-35; col. 10, lines 32+ - col. 11, line 8; col. 11, lines 35-42; col. 19, lines 15 – 34; col. 21, lines 42 – 64; col. 22, lines 30 – 62; col. 32, lines 35 – 44; Interpretation (b) Templeton, col. 14, lines 47 – 63; col. 24, lines 61+ - col. 25, line 11; col. 28, lines 38 – 55);

Templeton fails to explicitly disclose:

receiving a settlement request; and

settling the transaction in response to the settlement request.

Nichols discloses:

receiving a settlement request (Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054]

Inherency Settlement is an inherent part of check processing. Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.);

and settling the transaction in response to the settlement request (Nichols, [0018] [0019] [0024] [0031] [0035] [0036] [0054] Inherency Settlement is an inherent part of check processing. Nichols describes the settlement process and how the check processing system is intended to work with the national authorization networks and the electronic settlement network known as ACH.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Templeton by adopting the teachings of Templeton by adopting the teachings of Nichols to provide receiving a settlement request; and settling the transaction in response to the settlement request.

One would have been motivated to maintain accurate and detailed records because not all transactions that are authorized or approved will culminate in the processed transaction.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC
/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693